

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GUS MILLER,

Plaintiff,

vs.

BRUCE BANNISTER et al.,

Defendants.

3:10-cv-00614-RCJ-RAM

ORDER

Plaintiff Gus Miller is a prisoner at Northern Nevada Correctional Center ("NNCC"). He has filed a civil rights action alleging deliberate indifference to his serious medical needs—it is undisputed that he has end-stage liver disease secondary to hepatitis C—and has now moved for a preliminary injunction mandating that Defendants arrange for his evaluation for a possible liver transplant. The Court agrees with the Magistrate Judge's Report and Recommendation ("R&R") (ECF No. 25) that Plaintiff has satisfied the requirements for preliminary injunctive relief requiring prison officials to arrange for an evaluation of his eligibility for a transplant.

The Court therefore adopts the R&R, except to the extent that it implies certain additional relief may be available in the future. For example, the R&R states, "Because the court has no information regarding the likelihood of Plaintiff's eligibility for a liver transplant, it should not go so far as to require that Plaintiff be placed on a transplant list or undergo the procedure at this juncture." (R&R 8:1–9:2, Feb. 9, 2010, ECF No. 25). The Court notes that it likely would have no authority to require a third-party organization to put Plaintiff on its transplant list even if his evaluation for eligibility were favorable, and that it would almost certainly have no authority to

1 require such an organization to dedicate an organ to him. The Court, however, could order
2 prison officials to permit Plaintiff access to application materials and subsequent medical tests
3 insofar as the external organization were willing to provide them.

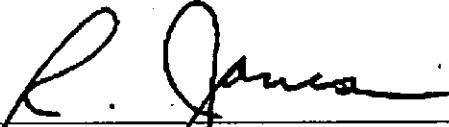
4 **CONCLUSION**

5 IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 25) is
6 ADOPTED in part.

7 IT IS FURTHER ORDERED that as soon as practicable, but no later than thirty (30)
8 days following the date of this order, Defendants shall arrange to have Plaintiff evaluated by a
9 liver transplant specialist regarding his eligibility for a liver transplant, whether at NNCC or
10 elsewhere. Defendants shall provide transportation, security, etc., as convenient and necessary.

11 IT IS SO ORDERED.

12 Dated this 14th day of February, 2011.

13
14 
15 ROBERT C. JONES
16 United States District Judge
17
18
19
20
21
22
23
24
25